

SUBJECT: Polygraph examinations for fire fighters and peace officers

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 7 ayes — Oakley, Carter, Edwards, Krusee, Price, Rodriguez, Yost

0 nays

4 absent — Bailey, Allen, A. Smith, Luna

SENATE VOTE: On final passage, May 13 — 30-0

WITNESSES: None

BACKGROUND: Fire fighters and police officers employed by the City of Houston may not be required to submit to a polygraph test as part of an internal investigation regarding their conduct unless the following conditions are agreed upon:

- the person who takes the test will have access to the test results within 48 hours of requesting them;
- the results of the test will not be admissible in a formal proceeding; and
- the criterion used for passing the test will be that no deception is indicated.

The department head may order a fire fighter or a police officer to take a polygraph test only if the department head considers the circumstances to be extraordinary and believes that the integrity of the fire fighter or police officer is in question.

Officers commissioned by the Department of Public Safety cannot be suspended, terminated or subjected to any form of discrimination for refusing to take a polygraph examination.

DIGEST: SB 711 would generally prohibit fire fighters and peace officers from being required to submit to a polygraph test as part of an internal investigation regarding their conduct unless:

- the complainant submitted to a polygraph examination and no deception was indicated regarding matters critical to the investigation or the results were inconclusive;
- the department head considered the circumstances to be extraordinary, believed that the integrity of the fire fighter or police officer was in question and submitted a written explanation to the person under investigation explaining the nature of the extraordinary circumstances, or
- the complaint was confined to internal operations, the complainant was an employee of the department and there was *prima facie* evidence that the complaint was valid.

The results of the test could be used in a proceeding before a regulatory authority only to corroborate other statements or evidence or with the consent of the officer subject to the process.

The bill would not affect fire fighters or police officers employed by the City of Houston or officers commissioned by the Department of Public Safety.